United Nations A/C.5/59/SR.52

General Assembly
Fifty-ninth session

Official Records

Distr.: General
10 June 2005

Original: English

Fifth Committee

Summary record of the 52nd meeting
Held at Headquarters, New York, on Monday, 16 May 2005, at 10 a.m.

Chairman: Mr. MacKay ..... (New Zealand)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Kuznetsov

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05-34475 (E)

The meeting was called to order at 10.10 a.m.

Agenda item 108: Programme budget for the biennium 2004-2005 (*continued*)

Strengthened and unified security management system for the United Nations: standardized access control (A/59/776 and A/59/785)

1. **Mr. Veness** (Under-Secretary-General for Safety and Security), introducing the report of the Secretary-General on a strengthened and unified security management system for the United Nations: standardized access control (A/59/776), said that, on assuming his post in February 2005, he had carefully reviewed the relevant documents and asked for personal briefings to ascertain what access control work had already been completed. He had concluded that, although existing plans regarding perimeter defence, access control for people and vehicles, intruder detection, response arrangements and command and control were ambitious and all-encompassing, it would be wise to take an incremental approach to putting in place the basic requirements, based on a threat assessment. Though valuable, the work done lacked cohesion and systematic plans for the future and he had therefore formed the view that a structured plan to address those issues should be devised.

2. The access control project was separate from the capital master plan and the current programme to enhance security in the Secretariat. It also had direct implications for United Nations offices away from Headquarters and included the annexes in New York outside the Secretariat site. He recommended that the course of the project should be determined by a threat assessment and should be aimed at establishing measures which were balanced and commensurate with the danger found.

3. **Mr. Kuznetsov** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/59/785), welcomed the careful, measured and incremental approach presented in the report of the Secretary-General to ensure that the new access system was balanced against the perceived threat to United Nations facilities. The new Under-Secretary-General for Safety and Security should be given an opportunity to reassess the feasibility of the current proposals. The Advisory Committee recommended that the General Assembly should take note of the report of the Secretary-General in the expectation that a comprehensive progress report would be presented at its sixtieth session.

4. **Mr. Mazumdar** (India) said that the intention of the Under-Secretary-General for Safety and Security to reassess the proposals for a new access control system was evidence of his expertise. The incremental approach he recommended coincided with the view which India had firmly put forward when the Secretariat presented the package of security measures to the General Assembly during the main part of its fifty-ninth session.

5. **Ms. Taylor Roberts** (Jamaica), speaking on behalf of the Group of 77 and China, observed that, following the establishment of the new Department of Safety and Security in February 2005, a revised approach to the implementation of a standardized access control system had been proposed. A detailed preliminary design and cost analysis would be undertaken within six to nine months and a progress report would be submitted to the General Assembly at its sixtieth session. In view of the clarification previously sought by the Committee on a number of issues, including the implications of the system for the capital master plan, the principles and guidelines for the sharing of information obtained through the system and the time frame for implementation, the Group welcomed the revised approach and would await the submission of the progress report.

Estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council: expansion of the United Nations Political Office for Somalia and the Special Court for Sierra Leone (A/59 534/Add. 4 and A/59/569/Add. 4)

6. **Ms. Van Buerle** (Director ad interim of the Programme Planning and Budget Division), introducing the report of the Secretary-General on estimates in respect of special political missions, good offices and other political initiatives authorized by the General Assembly and/or the Security Council (A/59/534/Add.4), said that the 2004/05 appropriation for the United Nations Political Office for Somalia (UNPOS) had made no provision for its likely expansion. The Secretary-General, in his subsequent report to the

Security Council on the situation in Somalia (S/2005/89), had recommended that UNPOS, whose current mandate expired in December 2005, should be expanded in two phases, the first to start immediately, and the second to start in September 2005.

7. Tables 1 and 2 of the addendum to the report listed total requirements for UNPOS for the period June-December 2005. However, an unencumbered balance remaining from the amount already appropriated was expected to reduce that sum. The current seven staff positions were insufficient to cope with the proposed expansion and 31 additional posts were therefore being requested to reflect the expanded role of UNPOS in the political, disarmament, demobilization and human rights areas.

8. In its resolution 59/276, the General Assembly had authorized the Secretary-General to enter into commitments not exceeding $20 million to supplement the financial resources of the Special Court for Sierra Leone, and requested him to continue, in concert with the Court's Management Committee, efforts to raise voluntary contributions to support the work of the Court and to report on progress made to the General Assembly at its resumed fifty-ninth session.

9. Efforts to mobilize resources had been quite fruitful, with the Governments of Denmark and the United States of America and the Ford Foundation making voluntary contributions in late 2004 and early 2005. However, the level of voluntary contributions available to the Court had now been exhausted, and an initial disbursement against the $20 million commitment authority had been made in May 2005. The Court estimated that the full amount of the commitment authority would be used to cover a shortfall of income over expenditure and the liquidation of obligations for the period from 1 July 2003 to 30 June 2004.

10. In March 2005, the Management Committee had approved the Court's proposed budget for the period from 1 July 2005 to 30 June 2006. The Secretary-General was seeking an additional subvention of up to $13 million to finance the first six months of the Court's fourth year of operation. In the context of the 2006/07 provision for special political missions, he also intended to request, at the sixtieth session, a further subvention of $7 million to enable the Court to complete existing trials. The General Assembly was requested to take the action summarized in paragraph 52 of the report.

11. **Mr. Kuznetsov** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/59/569/Add.4), noted that the request for resources for UNPOS covered both civilian personnel costs and operational costs, including non-recurring requirements. The resources for operational costs were being requested immediately in order to accommodate the procurement lead time for some equipment and to ensure that it was available once relocation of UNPOS to Somalia began. The Advisory Committee recommended approval of the resources requested for the expanded role of UNPOS, but saw room for possible savings, which should be reflected in the performance report.

12. The question of whether the General Assembly should grant a subvention to meet the expenses of the Special Court was not new. The Advisory Committee provided background information, including information on efforts to secure voluntary contributions, which it wished to encourage, but the question was a matter of policy for the General Assembly to decide.

13. While the Advisory Committee had received a copy of the budget adopted by the Court's Management Committee, that had been for information purposes, only, and it trusted that prudence and fiscal discipline would be exercised. It urged further cooperation between the Court and the United Nations Mission in Sierra Leone (UNAMSIL) in the acquisition of equipment and requested that thought should be given to how to run the New York liaison office as economically as possible.

14. **Ms. Oosterlinck** (Belgium), speaking on behalf of the European Union, the acceding countries Bulgaria and Romania, the candidate countries Croatia and Turkey, and the stabilization and association process countries Serbia and Montenegro and the former Yugoslav Republic of Macedonia, said that the European Union was fully committed to supporting the efforts of the Special Court for Sierra Leone to bring an end to impunity for those most responsible for serious war crimes. It welcomed the progress made in the ongoing trials and the elaboration of a completion strategy. The Court must have a solid financial basis as its business came to a close over the following year. The European Union was reassured that the Court was

paying due attention to the need to make best use of scarce resources, as it had managed to operate effectively while drawing on only a modest part of the subvention which the General Assembly had approved, and the Union encouraged the Court to continue its careful management. Accordingly, the Union supported the recommendations made by the Secretary-General in his report.

15. **Mr. Shalita** (Rwanda), speaking on behalf of the African Group, said that the Special Court for Sierra Leone had made serious efforts to manage its resources judiciously and, following the receipt of additional voluntary contributions, had made plans to intensify fund-raising activities in 2005. With the establishment of a second Trial Chamber, the Special Court would be able to conclude its third trial by early 2006 and would be better able to adhere to its programme of work. As voluntary contributions tapered off, the General Assembly should do its best to support the work of the Court.

16. The Special Court's two-phase completion strategy had originally envisaged concluding trials by 31 December 2005, but it was now clear that only the former Civil Defence Force (CDF) and Revolutionary United Front (RUF) trials would meet that target. The Armed Forces Revolutionary Council (AFRC) trial had only begun in March 2005 and would not be completed until early 2006. In addition, the two outstanding indictments were likely to further extend the life of the Special Court when those cases were brought to trial. In the interest of justice and reconciliation in Sierra Leone and long-term peace, security and development there and in the wider subregion, the completion strategy should be revised to reflect current realities.

17. The African Group commended the Special Court for helping to build the human resources capacities of the Sierra Leone judiciary and urged other ad hoc tribunals to follow its example. The welcome cooperation between UNAMSIL and the Special Court should be intensified and arrangements made to ensure the Special Court's security once UNAMSIL concluded its mandate.

18. Although Somalia had suffered widespread violence, anarchy and lawlessness for 14 years, the progress towards reconciliation, the establishment of a Transitional Federal Government and the election of 275 members of parliament had renewed hopes for a return to peace, security, law and order and development. The Intergovernmental Authority on Development (IGAD) had provided assistance to the Transitional Federal Government. For its part, the Security Council had recognized that the international community must support both the Transitional Federal Government and the efforts of the African Union to help with the process of transition. Responding to the personal security concerns of members of the Transitional Federal Government, the African Union was supporting a protection force to help with the relocation of the Government and members of the Transitional Federal Parliament, with safeguarding humanitarian aid and with the training of a new security force.

19. The African Group endorsed the recommendation of the Advisory Committee to approve resources for the expanded role of UNPOS, which would include assistance in promoting dialogue and reconciliation among Somali parties, addressing the issue of "Somaliland", coordinating international support, chairing the Coordination and Monitoring Committee, supporting the new governance structures and planning its own phased relocation to Somalia, where it would be in a better position to help the Transitional Federal Government's rebuilding efforts. However, UNPOS could not shoulder its expanded responsibilities with five international and two local staff; it would need additional financial and human resources. The African Group supported the revised and increased staffing plan and the upgrading of the post of Special Representative of the Secretary-General to the Assistant Secretary-General level. It hoped that, in his next report to the General Assembly, the Secretary-General would provide an assessment of the adequacy of the proposed financial and human resources for the varied and sensitive tasks of UNPOS.

20. **Ms. Taylor Roberts** (Jamaica), speaking on behalf of the Group of 77 and China, said that the Group attached great importance to the work of special political missions and to the Secretary-General's good offices. In that connection, it valued the constructive and useful work being done by the Special Court for Sierra Leone and by UNPOS and trusted that the Fifth Committee would ensure the provision of adequate resources for the successful conclusion of that work.

21. **Ms. Ferguson** (Canada) reaffirmed Canada's support for the work of the Special Court for Sierra Leone which, since its establishment in January 2002, had made significant progress towards the

implementation of its mandate. Two Trial Chambers were running three trials full time, nine indictees were in detention and the Court's work should be completed by early 2007. That was an extremely impressive and efficient record, particularly given the complexity of the trials, the challenging operating environment and the fact that the entire Court structure had been built from the ground up.

22. However, the Court was still facing a number of challenges, in particular the sharp decrease in anticipated voluntary contributions for 2005 and beyond and the predicted rise in security costs owing to the drawdown of all troops from UNAMSIL by December 2005. It was therefore all the more important to bring as much certainty and stability as possible to the Court's financial situation. In light of the Court's rigorous efforts to solicit voluntary contributions and of the advanced stage of its work, her delegation fully supported the Secretary-General's recommendations concerning its financing. The Advisory Committee's silence on the issue of appropriations should be explored further during informal consultations.

23. **Mr. Kozaki** (Japan) recalled that the Special Court for Sierra Leone had been established on the understanding that it would be financed through voluntary contributions. In addition, the General Assembly had agreed to authorize commitment authority to supplement the Court's financial resources on the understanding that the Secretary-General, together with the Court's Management Committee, would redouble efforts to raise voluntary contributions to support the Court's work. He had taken note of the Court's continued efforts to collect such contributions and did not, therefore, see the need to make any appropriations at the current stage.

24. According to the Secretary-General's report, it was likely that the Court's October 2004 completion strategy would not be achieved. He questioned the value of a completion strategy that could be changed in a flexible manner and wondered whether the Security Council had been informed about the completion strategy in accordance with paragraph 6 of General Assembly resolution 58/284.

25. It would not be appropriate at the current stage for the General Assembly to take note of a possible request made by the Secretary-General in the context of the proposed programme budget for 2006-2007. In December 2004, the Secretary-General had anticipated that the Court's work would be completed by the end of 2005 and that up to $40 million would be required for its operations, but the General Assembly had never approved a possible subvention of up to $40 million. Japan would therefore be placed in an uncomfortable position if it transpired that the Secretary-General was assuming that such support from the regular budget was a given.

26. The current system of channelling assessed contributions to the Court without specific guidance on how to report to the General Assembly on their use also gave cause for concern. While he trusted that strict budgetary discipline was exercised by the Court's management and the Management Committee, a clear idea should be given of how the General Assembly was to be informed about the Court's utilization of assessed contributions and of how the Secretary-General would be held accountable in that regard.

27. **Ms. Ebbesen** (United States of America) said that the United States, the largest financial contributor to the Special Court for Sierra Leone, took the view that the Court had made commendable progress towards achieving its goal of bringing to justice those bearing the greatest responsibility for the crimes committed in Sierra Leone. However, the Court's work was at serious risk if sufficient funding was not secured for its fourth year of operations. Despite numerous appeals by the Secretary-General and members of the Management Committee, a significant shortfall in funds remained and thus, without a subvention or significant voluntary contributions, the Court was facing insolvency at a crucial time when all three trials were under way.

28. The international community could not afford to let the Special Court fail. To do so would send a negative message to those in the world struggling to combat the culture of impunity and would undermine respect for human rights and international humanitarian law. The Court had demonstrated that it could work quickly and economically and, despite the difficulties in securing sufficient voluntary funds, it continued to be a good model for an independent, efficient and effective tribunal that had benefited from the experiences of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia. Accordingly, the United States endorsed the Secretary-General's request that a subvention of $33 million should be granted to the

Special Court in order to bridge the shortfall in voluntary contributions and allow the Court to carry out its operations.

29. Lastly, the United States supported the work of UNPOS but had a few questions regarding the Secretary-General's proposal for its expansion.

30. **Mr. Jonah** (Sierra Leone) endorsed the statements made by the representative of Jamaica on behalf of the Group of 77 and China and the representative of Rwanda on behalf of the African Group. The Government and people of Sierra Leone attached great importance to the Special Court and it would be a great blow to the country if it was unable to complete its work owing to insufficient funds. He therefore urged the Committee to endorse the Secretary-General's recommendation.

31. **Ms. Van Buerle** (Director ad interim of the Programme Planning and Budget Division), replying to the questions posed by the representative of Japan, said that the Security Council would shortly be informed about the Court's completion strategy. As far as reporting arrangements were concerned, the procedures described in paragraph 13 of document A/58/733 remained in force and had proven to be quite effective. However, the Secretariat was open to further suggestions in that regard. Lastly, the Court had recently provided additional information on its efforts to solicit voluntary contributions, which would be made available to the Committee during the informal consultations.

Agenda item 114: Human resources management (*continued*) (A/59/716, A/59/724 and A/59/786; A/C.5/59/L.34)

List of staff

Gratis personnel

Comprehensive assessment of the system of geographical distribution and assessment of the issues relating to possible changes in the number of posts subject to the system of geographical distribution

32. **Ms. Haji-Ahmed** (Director of the Operational Services Division of the Office of Human Resources Management), introducing the report of the Secretary-General on gratis personnel provided by Governments and other entities (A/59/716), said that the report provided data for the period from 1 January 2003 to 31 December 2004. While previous reports on gratis personnel had presented a snapshot of data as on a given day of the final month of the reporting period, the methodology and scope of data analysis used for the current report had been significantly expanded, thereby making it possible to display much broader trends. The volume of data had also increased, due in part to the significant expansion of emergency and relief operations by the Office for the Coordination of Humanitarian Affairs.

33. Turning to the Secretary-General's report on the comprehensive assessment of the system of geographical distribution and assessment of the issues relating to possible changes in the number of posts subject to the system of geographical distribution (A/59/724), she said that it reviewed the origin and purpose of the system of desirable ranges for staff in posts subject to geographical distribution and the changes that had taken place over time and assessed the implications of potential modifications to that system. The report demonstrated the impact of varying the weights of existing factors and of altering the base figure of posts. The various simulations using the variants described in the report showed that changing the weights of the factors or expanding the base figure of posts would result in important changes in the representation status of Member States. Furthermore, expanding the base figure would have significant financial implications, as it would mean granting international status, with its associated allowances and benefits, to a larger pool of staff. It was projected that the inclusion of staff in the General Service and related categories would cost the Organization approximately $55.5 million annually. In addition, enlarging the base figure to include extrabudgetary staff would affect stability, and consequently human resources planning.

34. Lastly, she submitted document A/C.5/59/L.34, containing a list of staff of the United Nations Secretariat, to the Committee for its information.

35. **Mr. Kuznetsov** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) contained in document A/59/786, said that the Advisory Committee had reiterated its position on the feasibility of presenting information concerning gratis personnel on a biennial basis and had

once again requested that, in the future, details on such personnel should be integrated into the report of the Secretary-General on the composition of the Secretariat on a biennial basis, in the first year of the biennium. It had also recommended that the General Assembly should take note of the Secretary-General's report.

36. **Ms. Taylor Roberts** (Jamaica), speaking on behalf of the Group of 77 and China and referring to the Secretary-General's report on gratis personnel, stressed that, in accordance with General Assembly resolution 51/243, gratis personnel should be used on an exceptional and temporary basis and for specialized functions only. They were not a substitute for staff to be recruited against authorized posts for the implementation of mandated programmes and activities and should not be sought for financial reasons. The programme of work and mandates approved by Member States must be financed in the manner determined by the General Assembly, based upon proposals of the Secretary-General. Those principles must be maintained when engaging gratis personnel and personnel loaned should be assigned to technical cooperation and extrabudgetary activities approved by the General Assembly.

37. The Group of 77 and China attached great importance to the adoption and implementation of a fair and effective system of geographical distribution, which, since the establishment of the United Nations, had been recognized as a fundamental principle. The Group had taken note of the various scenarios described in the Secretary-General's report and would examine closely all the issues discussed therein.

38. **Mr. Berti Oliva** (Cuba) said that while he had no substantive objections to the report on gratis personnel, the format of which had been significantly improved, he pointed out that the increase in the number of nationalities represented by type I gratis personnel did not necessarily translate into an improvement in Member States' representation status, because the posts occupied by such personnel were not permanent. He requested updated information on the functions performed by type I gratis personnel and the departments to which they were assigned. He did not understand the recommendation contained in paragraph 7 of the report of the Advisory Committee. Gratis personnel were not part of the Secretariat and should therefore not be discussed in the report on its composition.

39. Lastly, he had taken note of the Secretary-General's report on the comprehensive assessment of the system of geographical distribution. His delegation had no objection to considering the various proposals contained therein.

40. **Mr. Elji** (Syrian Arab Republic) said that the use of gratis personnel was an unhealthy practice that should be restricted to extraordinary situations, particularly since such personnel were not subject to the Organization's Staff Regulations and Rules. Type I gratis personnel must be recruited in accordance with the relevant guidelines established by the General Assembly. The increase in the number of interns was more beneficial to certain Member States than to others and, in that connection, he requested more information about the rules governing the appointment of interns. He also wished to know why there were so few interns from developing countries.

41. In its resolution 51/243, the General Assembly had decided that type II gratis personnel would be accepted only in two exceptional sets of circumstances. However, such personnel were being used in a much more widespread manner. Lastly, with reference to the report of the Advisory Committee, he had taken note of the request contained in paragraph 7. However, the General Assembly had not accepted the Advisory Committee's original recommendation that information on gratis personnel should be presented on a biennial basis as part of the Secretary-General's regular report on the composition of the Secretariat because such a practice would contradict the exceptional nature of such appointments and would threaten the stability and continuity of the Organization.

42. **Ms. Haji-Ahmed** (Director of the Operational Services Division of the Office of Human Resources Management), replying to the questions posed by the representative of Cuba, said that she would be pleased to provide updated information on the number of interns and the departments to which they were assigned. Further details about the internship programme could be found on the website of the Office of Human Resources Management.

43. She reassured the Committee that the guidelines and principles relating to the appointment of gratis personnel were being respected. In particular, type II gratis personnel were generally contracted for very short periods and to carry out functions for which no expertise existed within the Secretariat.

The meeting rose at 11.20 a.m.